

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

VICTORIA NUNEZ.

**Plaintiff(s),**

2:15-cv-01871-RFB-NJK

vs.

CAROLYN W. COLVIN, et al.,

Defendant(s).

## ORDER

Plaintiff Nunez has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket No. 1. Applications to proceed *in forma pauperis* are used by parties who can demonstrate an inability to pay the Court's \$400 filing fee. In determining whether to grant an application to proceed *in forma pauperis*, courts look towards the application to determine the financial condition of the applicants. *Smith v. IRS*, 2015 WL 3479308, at \*1 (D. Nev. Feb. 13, 2015) (*report and recommendation adopted*, 2015 WL 3479381 (D. Nev. Mar. 4, 2015)). Consequently, where a party submits an incomplete application, courts deny the application without prejudice and allow the party to file a fully-completed one. *Id.*

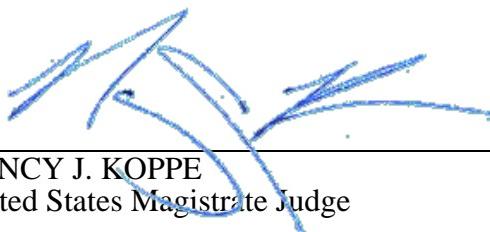
In reviewing Plaintiff's pending application, it is clear that it is incomplete in several respects. First, Plaintiff fails to respond to questions 2(b) and 2(f). *See* Docket No. 1. at 1. Second, in response to question 3, Plaintiff represents that she lives at home with her mother, who gives her up to \$900.00 a month in support. *Id.* But, she proceeds to report that she is required to pay up to \$900.00 in monthly rent and unspecified utilities. *Id.*, at 2. She offers no explanation for this apparent consistency.

1 Accordingly, **IT IS ORDERED** that:

- 2 1. Plaintiff's application to proceed *in forma pauperis* is **DENIED WITHOUT**  
3 **PREJUDICE.**
- 4 2. Plaintiff shall have until **October 30, 2015** to file a completed application to proceed  
5 *in forma pauperis.*
- 6 3. The Clerk of Court shall mail Plaintiff two blank applications to proceed *in forma*  
7 *pauperis* for non-incarcerated litigants.
- 8 4. Alternatively to filing an application to proceed *in forma pauperis*, Plaintiff may pay  
9 the \$400.00 filing fee no later than **October 30, 2015**.
- 10 5. **Failure to comply with this Order will result in a recommendation to the United**  
11 **States District Judge that Plaintiff's application to proceed *in forma pauperis* be**  
12 **denied without prejudice.**

13 IT IS SO ORDERED.

14 DATED: October 16, 2015

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16 NANCY J. KOPPE  
17 United States Magistrate Judge

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